

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City and County of San Francisco, through its Municipal Transportation Agency (SFMTA), for an order authorizing the construction of new at-grade light rail crossing across Illinois Street between the intersections of 18th Street and 19th Street in the City and County of San Francisco, State of California.

Application 15-08-002
(Filed August 5, 2015)

**DECISION AUTHORIZING THE CITY OF SAN FRANCISCO, THROUGH ITS
San Francisco MUNICIPAL TRANSPORTATION AGENCY, TO CONSTRUCT
AT-GRADE HIGHWAY-LIGHT RAIL CROSSINGS AT THE INTERSECTIONS
OF 18TH AND ILLINOIS STREETS AND 19TH AND ILLINOIS STREETS IN
CITY OF AND COUNTY OF SAN FRANCISCO**

Summary

This decision grants the City and County of San Francisco, through its San Francisco Municipal Transportation Agency, authorization to construct at-grade highway-light rail crossings (crossings) at the intersections of 18th and Illinois Streets and 19th and Illinois Streets in the City and County of San Francisco, which will be identified as California Public Utilities Commission Crossing Numbers 125J-3.98-C and 125J-3.95-C, respectively.

This proceeding is closed.

Discussion

In Decision (D.) 02-11-068, the California Public Utilities Commission (CPUC or Commission) granted the City and County of San Francisco (City), authorization to construct 13 new crossings along 3rd Street in order to connect

the City's Bayview District to the San Francisco Municipal Transportation Agency (SFMTA) T Rail Line (T-line). The City is proposing to add a light rail loop to the SFMTA 3rd Street T-line to accommodate additional transit service in the heavily used and rapidly developing portions of the T-line.

The loop will travel around 18th Street, Illinois Street, and 19th Street and will reconnect at 3rd Street.

Illinois Street runs north-south with one lane of travel in each direction. There are bike lanes on both directions of travel. The traffic on 18th and 19th Streets intersecting Illinois Street is regulated by STOP signs. The two new 18th and Illinois Streets and 19th Street and Illinois Streets crossings will be identified as CPUC Crossing Nos. 125J-3.98-C and 125 J-3.95-C, respectively.

Train operations along the loop are expected to be approximately 190 light rail vehicles (LRV) per day at speeds of up to 10 miles per hour (MPH). The average daily traffic through the newly proposed crossings is estimated at 5,290 vehicles per day with a speed limit of 25 MPH along Illinois Street.

The Commission's Rail Crossings and Engineering Branch (RCEB), and SFMTA met at the crossings on June 2, 2015, and discussed the configurations of the new crossings.

The City's application and exhibits include the following elements of the proposed 18th and Illinois Streets and 19th and Illinois Streets crossing configurations:

1. The intersections of both 18th and 19th Street with Illinois Street will be signalized with pedestrian lights for all the approaches.
2. There will be striping indicating the crosswalks for pedestrians.
3. The phasing of the traffic lights will be designed without resulting in conflicting movements.

4. The traffic signals for the LRVs will be designed in accordance to California Manual on Uniform Traffic Control Devices (CAMUTCD).

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (as amended, Public Resources Code Section 21000, et seq.) (CEQA) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the City is the lead agency for this project, and the Commission is a responsible agency because it has jurisdiction to issue a permit for the proposed new at-grade light rail crossings portion of the overall project.

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ Also, as a responsible agency, the Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

Pursuant to CEQA and the National Environmental Policy Act (NEPA),⁵ the City and County of San Francisco and the Federal Transit Administration (FTA) prepared environmental documentation titled *Third Street Light Rail Project In The City And County Of San Francisco Campus Parkway Project, Final Environmental Impact Statement/Report (FEIS)*. The project to construct the proposed crossings of the SFMTA tracks was intended to be part of the larger Third Street T-line Project ("project"). The City and FTA adopted the FEIS for the project in 1999.

The CEQA documents provided in the current application are from the previous application (A.) 02-08-022. On November 21, 2002, the Commission found the previous application's CEQA findings adequate, stating that:

³ CEQA Guidelines, Sections 15050(b) and 15096.

⁴ CEQA Guideline Section 15096(g).

⁵ 42 USC 4332 (2) (c) of 1969 as amended. Projects undertaken in California that utilize federal funds, require discretionary federal approval, or are undertaken by federal agencies are subject to both NEPA and CEQA.

With respect to the project environmental impacts that remain significant and unavoidable, we also find that CCSF [the City and County of San Francisco] identified reasonable project benefits to justify its adoption of an SOC [Statement of Overriding Considerations] and project approval. Therefore, we similarly adopt and require the mitigations identified in the CCSF's FEIS, and adopt the SOC, for purposes of our project approval.

In the context of this application, the Commission will revisit the portions of the CEQA documents that are specific to the 18th and 19th Street crossings, within the "Final Environmental Impact Statement for the Third Street Light Rail Project," published in December 1998.

The construction of the project will close off one block from Illinois Street during construction. The FEIS states the following regarding mitigation of the project's land use impacts:

Public information programs, including signage, as well as steps to ensure uninterrupted access to all uses along the Corridor, shall be used to minimize the construction impacts on neighborhood land uses.... Wherever possible and deemed essential for nearby businesses, replacement parking would be provided as close as possible to the spaces lost.

Alternative routes such as 3rd Street will be accessible to both vehicular and pedestrian traffic during this time.

With respect to environmental noise during operation, the FEIS/EIR states "Operation of light rail along the surface would not substantially increase noise or vibration in adjacent public and community facilities."

Further, the City has presented the Commission with information sufficient to demonstrate that, since the original 1999 certification of the FEIS and the Commission's approval of the 13 crossings in A.02-08-022/D.02-11-068, there have been no changes to the project necessitating additional environmental

review.⁶ SFMTA has provided information demonstrating that since the original FEIS, it has evaluated the project in light of new unrelated developments – such as new housing developments in the project vicinity – and found no new impacts necessitating additional environmental review. As such, SFMTA has provided sufficient information to demonstrate that its CEQA documentation and analysis is still current.

The Commission has reviewed the City's FEIS as this document relates to the at-grade light rail transit crossings and finds these documents adequate for our decision-making purposes. We find that SFMTA reasonably concluded that the proposed rail crossing would not have any significant effect on the environment. Accordingly, we adopt that finding for purposes of our approval.

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements, including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public highway across a railroad.

The Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch has inspected the site of the crossings, reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to modify the subject crossings be granted for a period of eight years.

⁶ CEQA Guidelines, Section 15162 (Subsequent EIRs), Section 15163 (Supplement to an EIR), Section 15164 (Addendum to an EIR).

Categorization and Need for Hearings

In Resolution ALJ 176-3361, dated August 13, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Elizaveta Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on August 14, 2015.
2. The City, through its SFMTA, requests authority, under Public Utilities Code Sections 1201-1205, to construct two new crossings along Illinois Street at 18th and 19th Streets identified as CPUC Crossing Nos. 125J-3.98-C and 125J-3.95-C, respectively.
3. The application requests eight years from the date of the Commission Order to complete the work requested.
4. The City and FTA are the lead agencies for this project under CEQA, as amended.

5. The City and FTA prepared an FEIS, titled *Final Environmental Impact Statement/Final Environmental Impact Report for the Third Street Light Rail Project In the City and County of San Francisco* for this project.

6. The City and FTA adopted the FEIS for the project in 1999.

7. The FEIS found that the proposed crossings would not have a significant impact on the environment.

8. The Commission finds that the proposed crossing aspect of the overall project would not have any significant impacts.

9. The Commission finds the mitigation measures adopted in the FEIS reasonable and feasible.

Conclusions of Law

1. Impacts related to the rail crossing, including safety, traffic/transportation, and noise impacts are areas within the scope of the Commission's permitting process.

2. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's FEIS.

3. The FEIS reflects the Commission's independent judgment and analysis.

4. The FEIS is adequate for our decision-making purposes.

5. The FEIS was completed in compliance with CEQA.

6. The application is uncontested and a public hearing is not necessary.

7. The application should be granted as set forth in the following Order.

8. The proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The City of San Francisco, through its San Francisco Municipal Transportation Agency, is authorized to construct two new public at-grade

highway-light rail crossings at the intersections of Illinois Street and both 18th and 19th Streets in the City of San Francisco, County of San Francisco.

2. The 18th and Illinois Street and 19th and Illinois Street crossings shall have the crossing treatments and configuration described above and specified in the application and its exhibits. The 18th and Illinois Street and 19th and Illinois Street crossings shall be identified as California Public Utilities Commission Crossing Numbers 125J-3.98-C and 125J-3.95-C, respectively.

3. San Francisco Municipal Transportation Agency shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices.

4. San Francisco Municipal Transportation Agency shall notify the California Public Utilities Commission's Safety Enforcement Division – Rail Crossings and Engineering Branch at least five business days prior to opening the crossing for public use. Notification should be made to rceb@cpuc.ca.gov.

5. Within 30 days after completion of the work under this order, San Francisco Municipal Transportation Agency shall notify the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch in writing, by submitting a completed California Public Utilities Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the California Public Utilities Commission web site Form G page at <http://www.cpuc.ca.gov/Crossings>. This report may be submitted electronically to rceb@cpuc.ca.gov.

6. This authorization shall expire in eight years if the above conditions specified in Ordering Paragraphs 2 through 5 are not satisfied, unless time is extended. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so requires.

7. A request for extension of the eight-year authorization period must be submitted to the California Public Utilities Commission's Safety and Enforcement Division – Rail Crossings and Engineering Branch at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

8. The application is granted as set forth above.

9. Application 15-08-002 is closed.

This order is effective today.

Dated _____, at Sacramento, California.